



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Dept. of Agriculture

- ☒ **Preproposal Statement of Inquiry was filed as WSR 16-13-143; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR _____; or**
☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

- ☒ **Original Notice**
☐ **Supplemental Notice to WSR _____**
☐ **Continuance of WSR _____**

Title of rule and other identifying information: (Describe Subject) Chapter 16-228 WAC, General Pesticide Rules. The Department is proposing to:

1. Establish a new licensing classification that can address various areas of specialty;
2. Move some of the existing specialized licensing classifications that have few licensees into the new specialty classification;
3. Delete the classification of 'Soil Fumigation' since it is obsolete and has been replaced by 'Soil Fumigation RMM;' and
4. Revise the language to increase clarity and readability and to conform with current industry practices.

Hearing location(s):

Washington State Dept. of Agriculture
 21 North First Avenue
 Yakima, WA 98902
 Conference Room 238
 Date: November 9, 2016
 Time: 1:00 PM

Washington State Dept. of Agriculture
 1111 Washington Street SE
 Olympia, WA 98504
 Conference Room 259
 Date: November 10, 2016
 Time: 9:00 AM

Submit written comments to:

Name: Henri Gonzales, Agency Rules Coordinator
 Address: PO Box 42560
 Olympia, WA 98504-2560
 e-mail WSDARulesComments@agr.wa.gov
 fax (360) 902-2092 by November 10, 2016

Date of intended adoption:

(Note: This is **NOT** the effective date)

December 1, 2016

Assistance for persons with disabilities: Contact

WSDA Receptionist by November 2, 2016
 TTY (800) 833-6388 or 711

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to establish a "limited-specialty" licensing classification. This new classification will cover multiple areas of endorsements where there is only a small number of licensees. The department is proposing to also move some of the existing classifications that have few licensees under the newly established "limited-specialty" classification. In addition, the proposal repeals the 'Soil Fumigation' classification because it is no longer used – the 'Soil Fumigation RMM' classification will remain.

Reasons supporting proposal: Licensing classifications are established to ensure individuals applying or overseeing the application of pesticides have the specific knowledge and training they need to safely apply pesticides. WAC 16-228-1545 requires that individuals be certified, through examination, in all pest control classifications in which they operate, inspect, or consult. Multiple classifications of licensing are established, however some individuals operate in specialized or unique areas of pest control for which there is no classification established in rule. The Department is proposing to establish a "limited-specialty" licensing classification for pest control operations that, due to the low number of affected licensees, do not warrant a new classification in rule. Certain pest control operations are sometimes so specialized and unique that only a small number of individuals across the state perform the particular pesticide application. While these individuals need to be competent and become certified in their particular area of specialization, it doesn't make sense to create a new licensing classification in rule. Creating a limited-specialty classification would ensure the individual passes an examination specific to their area of specialization. The limited-specialty classification will encompass multiple areas of specialty, each with an exam tailored to the work performed by the applicant. The Department is also proposing to move some of the existing specialized licensing classifications that have few licensees into the new limited-specialty classification and repeal the soil fumigation classification because it is no longer used.

Statutory authority for adoption: RCW 15.58.040, RCW 17.21.030, and chapter 34.05 RCW

Statute being implemented: Chapters 15.58 and 17.21 RCW

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No
 Federal Court Decision? ☐ Yes ☒ No
 State Court Decision? ☐ Yes ☒ No
 If yes, CITATION:

DATE

October 3, 2016

NAME (type or print)

Brent Barnes

SIGNATURE

TITLE

Assistant Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: October 03, 2016

TIME: 1:53 PM

WSR 16-20-070

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Washington State Dept. of Agriculture

- ☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Joel Kangiser	1111 Washington Street SE, Olympia, WA 98504-2560	(360) 902-2013
Implementation.....Robin Schoen-Nessa	1111 Washington Street SE, Olympia, WA 98504-2560	(360) 902-1963
Enforcement..... Alberto Isiordia	1111 Washington Street SE, Olympia, WA 98504-2560	(360) 902-2036

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

☐ Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

Phone ()

fax ()

e-mail

☒ No. Explain why no statement was prepared. RCW 19.85.030(1) requires that an agency prepare a Small Business Economic Impact Statement (SBEIS) if the proposed rules will impose more than minor costs on affected businesses or industry. The department has analyzed the economic impact of the proposed rules and has determined that the proposed amendments do not impose more than minor costs on small businesses in the regulated industry. Therefore, a formal SBEIS is not required. Individuals who are already properly licensed under the current rule will not have to pay additional exam costs because they will be grandfathered into one of the new "Limited-Specialty" categories specific to the work they conduct. Since licensees will be grandfathered in, there are no additional costs to comply with the proposed amendments. Future applicants will take an exam more specific to the work they will be conducting and not an exam that is potentially not applicable to what they will actually be doing.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: The Washington State Dept. of Agriculture is not a listed agency under RCW 34.05.328(5)(a)(i).